



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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8-21-02

In re application of:

John D. WINTER *et al.*

Appl. No. 09/781,200

Filed: February 13, 2001

For: **Method for Withdrawing and
Dewatering Slag from a
Gasification System**

Art Unit: 1723

Examiner: Popovics, Robert J.

Atty. Docket: 06950.0167.DVUS02

Confirmation No. 9100

**Response To Restriction Requirement and
Requirement For Election Of Species**

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Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated May 29, 2002 (PTO Prosecution File Wrapper Paper No. 6), Applicants hereby submit the following Response to the Restriction Requirement and Election of Species.

In the Restriction Requirement the Examiner required under 35 U.S.C. § 121 an election of a single species from each of two groupings. The first grouping includes Species 1 corresponding to Figure 2a (claims 122-127, 130-134, and 137-141), Species 2 corresponding to Figure 2b (claims 122-127, 130-133 and 135-141), Species 3 corresponding to Figure 2c (claims 122-134 and 137-142), Species 4 corresponding to Figure 2d (claims 122-133 and 135-142), and Species 5 corresponding to Figure 2e (claims 122-133 and 135-146).

Applicants elect, **with traverse**, to prosecute claims 122-127, 130-133 and 135-141, directed to Species 2 of the first grouping. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

The Examiner states, on page 2 of the election-of-species requirement, that no claims appear to be generic. Applicants respectfully disagree. As outlined above, each feature recited in claims 122-127, 130-133 and 137-141 is generic to each of the five species of the first grouping as defined by the Examiner.

The embodiments of Figures 2a-2e are all variations on the concept of withdrawing and dewatering slag from a gasification system as defined by the particular embodiments of the present invention. In each embodiment the slag is received from the gasification system into an inlet of a conveying lockhopper, the slag is conveyed from the inlet of the lockhopper to an outlet of the lockhopper, and the slag is discharged. While varied features may be embraced within each embodiment, these embodiments are patentably indistinct species. Reconsideration and withdrawal of the Requirement for Election of Species with respect to the embodiments of Figures 2a-2e, and consideration and allowance of the appropriate claims are respectfully requested.

The Examiner has also identified 3 purportedly distinct species within a second grouping and required the Applicants under 35 U.S.C. § 121 to elect a single species for prosecution on the merits. The 3 species with respect to the second grouping include: (1) a *perforated* flight incorporated into the method of withdrawing and dewatering slag from a gasification system of

the present invention (Fig. 6); (2) a *slotted* flight incorporated into the method of withdrawing and dewatering slag from a gasification system of the present invention (Fig. 7); and (3) a *truncated* flight incorporated into the method of withdrawing and dewatering slag from a gasification system of the present invention (Fig. 8).

Applicants hereby elect, **with traverse**, the flight geometry species identified by the Examiner as corresponding to Fig. 6. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Of the pending claims, no claims are directed towards any specific flight geometry species. All of the pending claims (claims 122-146) are therefore generic to each of the flight geometry species defined by the Examiner. The embodiments of Figs. 6-8 are all variations on the concept of attaching flights of varying geometry to a shaft of an auger to accommodate the slag conveyance rate required by the particular embodiments of the present invention. Moreover, these embodiments are patentably indistinct species as recited by the independent claim drawn to the genus. For at least the reasons stated above, reconsideration and withdrawal of the Requirement for Election of Species with respect to the embodiments of Figs. 6-8, and consideration and allowance of the appropriate claims are respectfully requested.

Finally, MPEP § 815 and § 816 require the Examiner to include a concise statement of the reasons relied upon for holding that the inventions as claimed are either independent or patentably distinct. The Examiner's reasoning behind the imposition of a restriction requirement within either grouping is not clear to the Applicants. As such, the Applicants find it difficult to

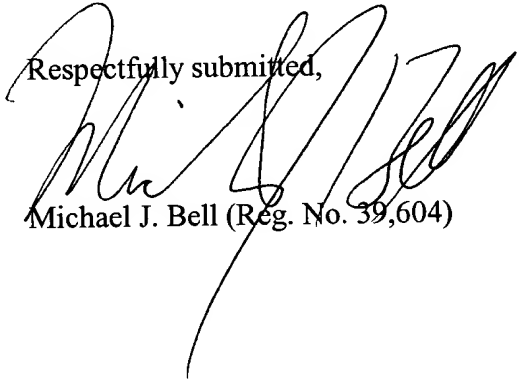
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adequately respond to either requirement. Applicants respectfully request that the Examiner either provide reasons for or withdraw the restriction requirement with respect to both groupings.

It is believed that extensions of time are not required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 08-3038.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,


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Date: August 16, 2002

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